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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,301

05/17/2005

Harald Schiller

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EXAMINER

JONES, HEATHER RAE

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

03/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,301	Applicant(s) SCHILLER ET AL.	
	Examiner HEATHER R. JONES	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims being examined in this case are claims 1 and 2 from the supplemental amendment submitted on May 17, 2005 rather than claims 1-8 submitted with the specification because the supplemental amendment states that the listing of claims in the supplemental amendment replace the other claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (U.S. Patent Application Publication 2002/0019989).

Regarding claim 1, Enomoto discloses a method for decoding items of subtitling data, including the steps: retrieving items of Character Referencing Data that are related to corresponding parts of a video or audio-visual data signal, which Character Referencing Data items describe sequences of characters as well as information about where in pictures of said data signal and/or when and/or how to make the referenced characters visible using a display memory (paragraphs [0026] – the character data is extracted by the stream separator); deriving from said items of Character Referencing Data items of Character Selection Information and Character Positioning Information

(paragraph [0030]); reading from a font memory pixel data of said referenced characters as designated by said items of Character Selection Information and writing said pixel data read into said display memory as designated by said items of Character Positioning Information, wherein before said step of retrieving items of Character Referencing Data is carried out, the following steps are carried out: retrieving for storage items of Font Describing Data that are related to corresponding ones of said items of Character Referencing Data, wherein said Font Describing Data represent pixel data of referenced characters, whereby said video or audio-visual data signal was pre-recorded by a content provider of said video or audio-visual data signal, and whereby the number and design of characters to be used for display is completely under the control of said content provider (paragraphs [0027]-[0030]). However, Enomoto fails to check whether or not particular items of said Font Describing Data are already stored in said font memory, and if said particular items of said Font Describing Data are not yet stored in said font memory, writing said particular items of Font Describing Data into said font memory.

Official Notice is taken that it is well known in the art to have checked whether or not particular items of said Font Describing Data are already stored in said font memory, and if said particular items of said Font Describing Data are not yet stored in said font memory, writing said particular items of Font Describing Data into said font memory in order to avoid duplicating data. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have to check whether or not particular items of said Font Describing Data are already stored in said font memory, and if said particular items of said Font Describing Data are not yet stored in said font memory, writing said particular items of Font Describing Data into said font memory in the method disclosed by Enomoto in order to avoid duplicating data thereby preserving memory space.

Regarding claim **2**, this is an apparatus claim corresponding to the method claim 1. Therefore, claim 2 is analyzed and rejected as previously discussed with respect to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
February 27, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621